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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,205	12/06/2000	Tracy E. Thieret	XER 2 0344 D/A0508	8635

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EXAMINER

PHAM, THIERRY L

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/731,205

Applicant(s)

THIERET ET AL.

Examiner

Thierry L Pham

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Petition to substitute drawings for publication and submission of formal drawings have been received/acknowledged and entered as paper no. 2.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12, 16-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Aikawa et al (U.S. 6671066).

Regarding claim 1, Aikawa discloses a network document system (networked printers, fig. 1) including a document processing device (digital copy machine, fig. 1), a document processing device controller (client computer, fig. 1) and a network interface controller (printer server computer, fig. 1, note: client computer can also be served as printer server computer, col. 3, lines 60-67 to col. 4, lines 1-5) for communicating job data and control data (transmitting and receiving print job data and control data such as "printer status request data" via a network, fig. 16, col. 13, lines 1-18) to and from a network, wherein the interface controller is disposed, intermediate the document processing device controller and the network (printer server and client

computers, and printers are all interconnected via a LAN network, fig. 1), and in parallel communication with the document processing device and document processing device controller, for segregating the job data and the control data (printer server separates control data from request status data, figs. 16-22, col. 13, lines 1-18 and col. 14, lines 45-67) and wherein the control data is directly communicated between the network interface controller and the document processing device (control data is being sent directly to the printer by the printer server, figs. 16-22, col. 13, lines 1-18 and col. 14, lines 45-67).

Regarding claim 2, Aikawa further discloses the system as claimed in claim 1 wherein the control data includes any of: diagnostic data, operating software, remote operating instructions (printer's status, fig. 16), performance reports, specification of system states and the associated actions, or requests for information from system elements.

Regarding claim 3, Aikawa further discloses the system as claimed in claim 2 wherein the performance reports comprise a number of documents generated by the document processing device, accounting information for assigning a billing responsibility for the documents generated, toner, ink, or paper consumption data, service history, device configuration, usage data, current status (fig. 16), machine identification or part or system failure data.

Regarding claim 4, Aikawa further discloses the system as claimed in claim 1 wherein the interface controller identifies object-oriented rendering data within the job data, and parallelly communicates (network, fig. 1) the object-oriented rendering data (i.e. print job setting attributes, fig. 5) to the document processing device controller and the document processing device.

Regarding claim 5, Aikawa further discloses the system as claimed in claim 1 wherein the interface controller identifies object-oriented rendering data within the job data, and individually communicates (network, fig. 1) the object-oriented rendering data (i.e. print job setting attributes, fig. 5) to the document processing device controller and the document processing device.

Regarding claim 6, Aikawa further discloses the system as claimed in claim 1 wherein the interface controller comprises either a physical (printer server, fig. 1) or logical entity in the system.

Regarding claim 7, Aikawa discloses a business to business communication system (network communication system, fig. 1) for controlling and monitoring a document processing device through network communications, comprising:

- (1) a document processing device responsive to remote communication signals and capable of issuing device operating status signals (printer and printer's status signal, fig. 1 and fig. 18, cols. 13-14), the communication signals and status signals being received and sent, respectively, via a network system (LAN network, fig. 1);
- (2) a network interface controller (print server, fig. 1) interposed between the document processing device and the network system (printer server and printer are interconnected, fig. 1) for distinguishing the remote communication signals as job data or control data;
- (3) a document processing device controller (personal computer, fig. 1), disposed intermediate the network interface controller and the document processing device, for translating (converting print data into PDL print format, fig. 16) the job data communicated from the network interface controller into document processing device data executable by the document processing device;
- (4) and wherein the control data is communicated to the document processing device directly from the network interface controller (control data is being sent directly to the printer by the printer server, figs. 16-22, col. 13, lines 1-18 and col. 14, lines 45-67).

Regarding claims 8-12, Aikawa further discloses the system wherein the control data includes the device operating status signals (printer status, fig. 16, cols. 13-14) communicated as a regular operational report or in response to an inquiry received by the network interface controller from the network system.

Regarding claims 16-18, Aikawa further discloses the system wherein the control data comprises object-oriented rendering data (i.e. print job setting attributes, fig. 5).

Regarding claims 19-23, please see rejection rationale/basis as described in claims 1-12 above for details.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aikawa et al as described in claims 1 & 8 above, and in view of Suzuki et al (U.S. 5270775).

Regarding claims 13-15, Aikawa does not disclose wherein the control data (command) comprising billing information, accounting information, and service information.

Suzuki, in the same field of endeavor for printings, teaches the control data (command) comprising billing information, accounting information, and service information (col. 1, lines 50-67 and col. 2, lines 1-45).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Aikawa as per teachings of Suzuki because of a following reason: (1) to allow operators/businesses to obtain usage data of plurality of printers connected via a network for proper billing, accounting, and service information.

Therefore, it would have been obvious to combine Aikawa with Suzuki to obtain the invention as specified in claims 13-15.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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(1) U.S. 6452692 to Yacoub, discloses networked printer server for distributing print jobs with plurality of different attributes (color, quality, text, graphics, and etc) to most compatible printers connected via network.

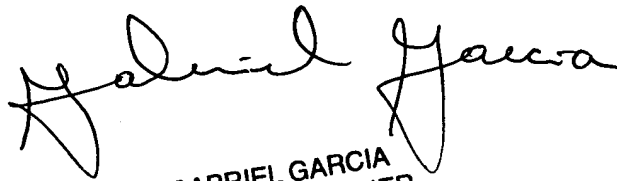
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L Pham whose telephone number is (703) 305-1897. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K Moore can be reached on (703)308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham

TP



GABRIEL GARCIA
PRIMARY EXAMINER